

**Bhanwar Lal & Anr. vs. Rajasthan Board of Muslim
Wakfs, Jaipur & Ors.**

SB Civil Rev. Petition No.419/2001

Date of Order:

21st April, 2006

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.S.P.Sharma for the petitioners.
Mr.Jitendra Chopra for the respondents.

Heard learned counsel for the parties.

This revision petition is directed against the order of the court below where by it has been held that in view of the provisions of Section 85 of Wakf Act, 1995 (hereinafter referred to as the 'Act of 1995'), the pending suit before the court cannot be proceeded with and it is not sustainable in view of the bar contained in Section 85. The law is settled in the matter of Syed Inamul Haq Shah vs. State of Rajasthan & Anr. (RLR 2000(3), 330) that in view of Section 85 of the Act of 1995 no suit or other legal proceeding shall lie before a

civil court . In that view of the matter, though the suit was filed prior to the promulgation of the new Act but then it has been interpreted by this Court that civil courts will have no jurisdiction where the properties are of Wakf.

Admittedly, in this matter the property is of Wakf and in that view of the matter the order cannot be found fault with. There is no force in the revision petition, the same is dismissed.

(BHAGWATI PRASAD), J.